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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/113,747	07/10/1998	ANDREA BASSO	1-3-66-7	8396

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EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 04/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/113,747

Applicant(s)

BASSO ET AL.

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 10-20, 23-30, 33-39, 42-48, and 51-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Pocock et al. (U.S. Patent No. 5,014,125/ "Pocock" hereinafter).

Regarding claim 1, Pocock discloses a computer-readable medium storing instructions adapted to be executed on a processor, i.e., computer instructions stored within the terminal apparatus for being executed on a processor CPU & memory (Fig. 4/item 94) under a controller 104 (Fig. 5, and col. 8/line 23 to col. 9/line 14) to:

(a) display, at a receiver, received data, i.e., a television monitor at the receiver or user terminal 14 (Fig. 1/item 36);

(b) analyze, at the receiver, the quality of the displayed data, i.e., the quality of received data including audio and video data is analyzed at the user terminal (col. 8/line 41 to col. 9/line 14);

(c) formulate, at the receiver and based on the analysis in step (b), a media-parameter suggestion for the encoder to alter the characteristics of data to be sent to the receiver, i.e., the user can change or alter the characteristics of data to be sent to him/her by suggesting or requesting some parameter suggestions, for example, changing background music (col. 14/lines 39-53) or program data could be downloaded from the presentation system to the microprocessor within local controller for changing the functionality of the user terminal (col. 16/line 42 to col. 17/line 2); and

(d) send, from the receiver, the formulated suggestion, i.e., the formulated suggestion or user requests can be obtained by sending the requests to the system, and the system downloads the requested data to the user terminal (col. 16/line 42 to col. 17/line 47).

As for claim 2, Pocock further discloses “the storing instructions adapted to be executed on a processor to: (e) receive, at the receiver, a user preference to be used in the analysis in step (b)”, i.e., user preferences are used for opening presentations at the user terminal based on the earlier analysis (col. 11/lines 9-28).

As for claim 3, Pocock further discloses “ wherein the instruction (a) to display data includes instructions adapted to be executed by a processor to display, at the receiver, audiovisual data”, i.e., audiovisual data or video and audio data are of concern (col. 8/line 23 to col. 9/line 14).

As for claim 4, Pocock teaches “wherein the instruction (b) to analyze the quality of the displayed data includes instructions adapted to be run on the processor to analyze, at the receiver, the system load”, i.e., the system load or system capacity is of concern for an effective solution as the object of this system (col. 2/lines 4-13) and multiple frame cache (Fig. 4/item 88) are associated with system load of CPU & memory 94 (Fig. 4).

As for claim 5, Pocock reveals “wherein the instruction (b) to analyze the quality of the displayed data includes instructions adapted to be run on the processor to: (I) analyze, at the receiver, component load, wherein a component is chosen from the set comprising a central-processing unit, a graphics card, and a texture-mapping engine” (Fig. 4/item 94 for a CPU; Fig. 4/item 86 for video processor and Fig. 5/item 118 for a graphics generator (within a graphics card); and col. 8/line 61 to col. 9/line 14 for a method of creating commands with alpha-numeric keys in commands as a texture-mapping engine).

As for claim 6, Pocock shows “wherein the instruction (c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions that include: (i) send timing information identifying the point in time where the data was collected; and (ii) send timing information identifying the point in time when the suggested action should be honored” by disclosing the timing information must be provided in order to provide the synchronization for the transmission of all of video frames (col. 5/line 64 to col. 6/line 16, and col. 7/lines 12-41 for more details on how/where/when video frames or data can be collected and should be honored or performed with a queue for a time slot).

As for claim 7, Pocock further discloses “wherein the instruction (c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions to: (I) alter the frame rate”, i.e., different frame rates can be requested and performed (col. 19/line 62 to col. 20/line 15).

As for claim 10, Pocock reveals the step of “wherein the instruction (c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions to: (I) alter audio channel characteristics”, i.e., level of audio can be changed (col. 8/lines 46-550 or the audio can be suppressed (col. 14/lines 39-53).

As for claim 11, Pocock discloses “wherein the instruction (c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions to: (I) alter the graphics hardware load”, i.e., the graphics hardware load or the graphics presentations to viewers can be changed, i.e., to more than one viewer at a time (col. 15/line 25 to col. 16/line 5).

As for claim 12, Pocock further discloses “wherein the instruction (c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions to: (I) alter the CPU load”, i.e., the CPU load or the system capacity is altered if half frame or full frame is to be used, the system capacity will be doubled (col. 19/line 62 to col. 20/line 15).

As for claim 13, Pocock shows “wherein the instruction (c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions that include: (I) altering the RAM amount available”, i.e., frame store acts as a RAM or random access memory because new frames continuously replace old frames in the frame store 114; therefore, the amount of RAM amount available is being altered (see col. 8/line 61 to col. 9/line 14).

Regarding claims 14-20 and 23-26, these claims for “a method of transmitting data from a sender to a receiver across a network comprising: (a) displaying, at the receiver, received data; (b) analyzing, at the receiver, the quality of the displayed data; (c) formulating, at the receiver and based on the analysis in step (b), a media-parameter suggestion for the encoder to alter the characteristics of data to be sent to the receiver; and (d) sending, from the receiver, the formulated suggestion to alter the quality of the received data” with same limitations as earlier cited are rejected for the reasons given in the scope of claims 1-7 and 10-13 as already disclosed in details above.

Regarding claims 27-30 and 33-35, these claims for “a method for transmitting data across a network comprising: a. transmitting data to a receiver; b. receiving a suggestion to alter the transmitted data; c. selecting, based on the received suggestion, an action to alter the data; and c. altering the transmitted data” with same limitations as earlier cited are rejected for the reasons given in the scope of claims 1-7 and 10-13 as already disclosed in details above.

Regarding claims 36-39 and 42-45, these claims for “an apparatus for transmitting data from a sender to a receiver across a network comprising: (a) a processor; (b) a port coupled to said processor; and (c) a memory coupled to said processor and said port, storing instructions adapted to be run on said processor to: (i) display, at the receiver, received data; (ii) analyze, at the receiver, the quality of the displayed data; (iii) formulate, at the receiver and based on the analysis in (ii), a media-parameter suggestion for the encoder to alter the characteristics of data to be sent to the receiver; and (iv) send, from the receiver, the formulated suggestion to alter the quality of the received data” with a host interface as a port for interfacing to other components of the network (Fig. 4/item 82) and with same limitations as earlier cited are rejected for the reasons given in the scope of claims 1-7 and 10-13 as already disclosed in details above.

Regarding claim 46-48 and 51-53, these claims for “an apparatus for transmitting data from a sender to a receiver across a network comprising: (a) a processor; (b) a port coupled to said processor; and (c) a memory coupled to said processor and said port, storing instructions adapted to be run on said processor to: (i) transmit data to a receiver; (ii) receive a suggestion to alter the transmitted data; and (iii) selecting, based on the received suggestion, an action to alter the data; and (iv) altering the transmitted data” with a host interface as a port for interfacing to other components of the network (Fig. 4/item 82) and with same limitations as earlier cited are rejected for the reasons given in the scope of claims 1-7 and 10-13 as already disclosed in details above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-9, 21-22, 31-32, 40-41, and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pocock et al (U.S. Patent No. 5,014,125) in view of Volk et al (U.S. Patent No. 5,673,401/ or “Volk” hereinafter).

Regarding claims 8-9, Pocock does not further mention the computer-readable medium as of claim 2 wherein the instruction (c) to formulate a media-parameter suggestion includes instructions adapted to be run on the processor to formulate media-parameter suggestions to: “alter the color depth and alter the window size”; however, the technique of providing interactive two-way multimedia information data to users is taught by Volk. In fact, Volk teaches an enhanced user interface that allows users to customize the control item via a user input device (Volk, col. 5/line 20-60). Volk clearly teaches an enhanced technique of altering the color depth and the window size of the user interface at the user terminal (col. 18/lines 10-30; col. 28/line 64 to col. 29/line 14 for altering the “window size”; and col. 33/lines 45-55 for altering the “color depth”). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pocock’s interactive presentation system with Volk’s teaching technique of altering the window size and the color depth as additional tools for customizing the user interface as revealed by Volk as preferred.

Regarding claims 21-22, 31-32, 40-41, and 49-50 with same limitations as earlier cited in claims 8-9 are rejected for the reasons given in the scope of claims 8-9 as discussed above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lehtinen et al (US Patent 6,172,673), Bruck et al. (US Patent 6,008,836), Verbiest et al (US Patent 5,550,577), Smith (US Patent 5,933,141) & Beyers, II et al. (US Patent 5,381,477) disclose systems for receiving multimedia information with related techniques in customizing or changing the user interface and sending user requests based upon user preferences.

6. **Any response to this action should be mailed to:**
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park IV, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Krista Bui
Art Unit 2611
March 26, 2002